

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-CV-00516-FL

MICAH SHANE STULTZ,)	
)	
Plaintiff,)	
)	
v.)	
)	***** ORDER
SWS, LLC,)	
)	
Defendant.)	

This matter is before the Court on the Motion to Enter Judgment, Impose Sanctions, and Award Attorneys' Fees by Micah Shane Stultz ("Plaintiff"). For the reasons that follow, Plaintiff's motion is Granted.

STATEMENT OF THE CASE

On or about March 7, 2014 the parties reached a settlement wherein the Defendant agreed to pay the Plaintiff \$25,000.00 (twenty five thousand dollars), in full and final settlement of Plaintiff's claims. The Defendant paid \$15,000 (fifteen thousand dollars) as agreed, and was required by the settlement agreement to pay the remaining \$10,000 (ten thousand dollars) on or before June 1, 2014. Plaintiff's counsel contacted Defendant's counsel on two occasions, June 6, 2014 and June 13, 2014, inquiring into why the final payment of \$10,000 had not been received. Plaintiff's counsel received a reply indicating that payment had not been made. Plaintiff, in an effort to resolve the matter without court intervention, offered an alternative payment schedule, which was not accepted. On July 9, 2014, Plaintiff filed a Motion to Enforce Settlement Agreement. On August 18, 2014, the Court entered an Order for the Defendant to pay to Plaintiff

the remaining sum of \$10,000.00 within thirty (30) days from the date of the entry of the Order. Plaintiff subsequently filed the Motion before the Court after not receiving the payment as ordered by this Court.

DISCUSSION

This Court has inherent authority to enforce judgment, impose sanctions and award attorneys' fees in this case. *United Mine Workers of America v. Bagwell*, 512 U.S. 821, 831. The Court further has authority under 18 USC § 401, which provides that this Court may impose fines on Defendant for disobedience of a lawful order.

In the instant case, Defendant's conduct warrants an award of the reasonable expenses incurred by Plaintiff in making Motion to Enforce Settlement Agreement and the instant motion, including attorneys' fees. As such, Plaintiff's request for these expenses is GRANTED. The court declines to award further sanctions, however.

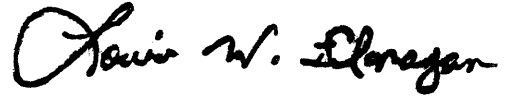
Plaintiff shall file an affidavit setting out such expenses, including attorneys' fees, within ten days of entry of this order. Defendant shall file any response within ten days after service of the affidavit. The court will thereafter enter an order setting the amount due.

CONCLUSION

For the foregoing reasons, Plaintiff's motion to enter judgment is GRANTED. Defendant is ORDERED to pay the reasonable expenses, including attorneys' fees, incurred by Plaintiff in

the preparation of the Motion to Enforce Settlement Agreement and the instant motion. Plaintiff's affidavit shall follow and defendant is accorded a ten day response time.

SO ORDERED, this the 24th day of October, 2014.

A handwritten signature in black ink, reading "Louise W. Flanagan", written over a horizontal line.

LOUISE W. FLANAGAN
United States District Judge